

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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UNITED STATES OF AMERICA, ex rel.
DEBORAH COLON,

Plaintiff,

v.

PERRY HEARN and PERRY HEARN, P.C.,

Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action. No.03-12604-GAO

**THE GOVERNMENT'S NOTICE OF ELECTION TO INTERVENE
IN PART AND TO DECLINE TO INTERVENE IN PART**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its decision to intervene in part of this action and to decline to intervene in part of this action. The United States intervenes in that part of the action which alleges that defendants caused the submission of Medicare claims under Perry Hearn's provider number, thereby representing that he had personally performed the services or had directly supervised them, when in fact he had not personally performed the services or directly supervised them. The United States declines to intervene in that part of the action which alleges that defendants caused the submission of claims for "level visit[s]," when in fact the visits underlying the claims were for physicals not covered by Medicare. The United States intends to file its complaint promptly upon the unsealing of the relator's complaint.

The United States requests that the relator's complaint, this notice, and the attached proposed order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States'

investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

Dated: October 24, 2006

By:



GREGG SHAPIRO
Assistant United States Attorney
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Boston, MA 02210
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by United States Mail this 24th day of October, 2006, to the following:

Anthony P. Alessi
475 Furnace Street
Marshfield, MA 02050



GREGG SHAPIRO
Assistant United States Attorney